

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No.5:18-CV-00068-FL

DANIELLE A. CARTER,)
)
Plaintiff,)
)
v.)
)
DUDLEY BEAUTY CORPORATION and)
JOE L. DUDLEY, SR.,)
)
Defendants.)

ORDER

This matter is before the court on plaintiff's motion to appoint counsel, (DE 15), in which plaintiff represents that appointed counsel is appropriate because she is unable to afford retained counsel and her attempts to otherwise obtain counsel have failed. (Id.). Plaintiff's case was submitted to the pro bono panel, but no response has been received by the court.

There is no constitutional right to counsel in civil cases, and courts should exercise their discretion to appoint counsel for pro se civil litigants "only in exceptional cases." Cook v. Bounds, 518 F.2d 779, 780 (4th Cir.1975). The existence of exceptional circumstances justifying appointment of counsel depends upon "the type and complexity fo the case, and the abilities of the individuals bringing it." Whisenant v. Yuam, 739 F.2d 160, 163 (4th Cir.1984), *abrogated on other grounds by* Mallard v. U.S. Dist. Court for the S. Dist. of Iowa, 490 U.S. 296 (1989) (quoting Branch v. Cole, 686 F.2d 264 (5th Cir.1982)); see also Gordon v. Leeke, 574 F.2d 1147, 1153 (4th Cir.1978) ("If it is apparent . . . that a pro se litigant has a colorable claim but lacks capacity to

present it, the district court should appoint counsel to assist him.”).

Plaintiff has not presented exceptional circumstances which merit the appointment of counsel. Additionally, plaintiff’s *pro se* pleadings are clear and reflect that she has the capacity to proceed with this action without the appointment of counsel. Based upon the foregoing, the undersigned finds that this case does not require appointment of counsel. Consequently, plaintiff’s motion to appoint counsel is DENIED.

SO ORDERED, this the 2nd day of July, 2018.



LOUISE W. FLANAGAN
United States District Judge